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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/685,911	10/15/2003	Takeshi Ohwe	3531.68536	6300

7590 02/08/2006

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EXAMINER
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DAVIS, DAVID DONALD

ART UNIT	PAPER NUMBER
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2652

DATE MAILED: 02/08/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/685,911	OHWE, TAKESHI	
	<b>Examiner</b>	<b>Art Unit</b>	
	David D. Davis	2652	

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --**

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 09 January 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-13 is/are pending in the application.
- 4a) Of the above claim(s) 7-11 is/are withdrawn from consideration.
- 5) ☒ Claim(s) 4-6 and 13 is/are allowed.
- 6) ☒ Claim(s) 1-3 and 12 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)             | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## DETAILED ACTION

### *Continued Examination Under 37 CFR 1.114*

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on January 9, 2006 has been entered.

### *Election/Restrictions*

2. Claims 7-11 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected invention, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 21, 2005.

### *Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 1-3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ryosuke (JP 2000-306226) in view of Chang et al (US 6,937,439). Ryosuke shows in figure 2 a head slider 21 having an air inlet end 26, an air outlet end 26, and a disk 13 opposing surface opposed to a disk 13, as shown in figure 1. Ryosuke shows in figure 2 head slider 21 including a

Art Unit: 2652

front rail 23 formed on the disk 13 opposing surface at a longitudinal position adjacent to the air inlet end 26. The front rail 23 has a flat air bearing surface 28 for generating a flying force during rotation of the disk 13. Figure 2 of Ryosuke shows a pair of rear rails 25a & 25b formed on the disk 13 opposing surface at a longitudinal position adjacent to the air outlet end 26. Each of the rear rails 25a & 25b having a flat air bearing surface 36 & 37 for generating a flying force during rotation of the disk 13.

A groove 22 formed downstream of the front rail 23 for generating a negative pressure by expanding air once compressed at the front rail 23 is also shown in figure 2. A transducer 35 formed near the air outlet end 26 at a transverse position where one of the rear rails 25a & 25b are formed is additionally shown in figure 2. Figure 2 further shows plurality of pads 33 formed on the front rail 23 and at least one 49 on the rear rails 25a & 25b.

Ryosuke continues to show in figure 2 that each of the front rail 23 and the rear rails 25a & 25b has a step surface adjacent to the corresponding air bearing surface and lower in level than the corresponding air bearing surface with each of the pads being formed on the step surface. Ryosuke continues to also show in figure 2 that each of the front rail 23 and the rear rails 25a & 25b has a step surface adjacent to the corresponding air bearing surface and lower in level than the corresponding air bearing surface with each of the pads being formed on the step surface.

Ryosuke is silent, however, as to each of the pads having a side surface substantially normal to the air bearing surface of corresponding the front and rear rails. Ryosuke continues to be silent as to a first height, a second height and an inclined upper end surface with a given inclination angle extending from the first to the second height, which is less than or equal to a

Art Unit: 2652

pitch angle in flying the slider, such that the upstream end of the inclined upper end surface is higher in level than the downstream end thereof.

Change et al shows in figure 3B pads having a side surface substantially normal to the air bearing surface with a first height, second height and an inclined upper end surface with a given inclination angle extending from the first to the second height, which is less than or equal to a pitch angle in flying the slider, such that the upstream end of the inclined upper end surface is higher in level than the downstream end thereof.

***Allowable Subject Matter***

5. Claims 4-6 and 13 are allowed.

***Response to Arguments***

6. Applicant's arguments with respect to the claims have been considered but are moot in view of the new ground(s) of rejection.

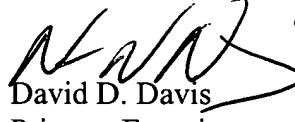
***Conclusion***

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to David D. Davis whose telephone number is 571-272-7572. The examiner can normally be reached on Monday thru Friday between 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dwayne D. Bost can be reached on 571-272-7023. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 2652

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
David D. Davis  
Primary Examiner  
Art Unit 2652

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